

PTO/SB/64 (08-03)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
B45139

First named inventor: Friede, et al.

Application No.: 09/647,518

Art Unit: 1641

Filed: 30 November 2000

Examiner: Mary Ceperley

Title: Adjuvant Compositions

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

FAX RECEIVED

SEP 24 2003

PETITIONS OFFICE

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1,300.00 (37 CFR 1.17(m))**2. Reply and/or fee****A. The reply and/or fee to the above-noted Office action in**the form of Notice of Appeal (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

10/01/2003 AKELLEY 00000031 192570 If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PTO/SB/84 (08-03)

Approved for use 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

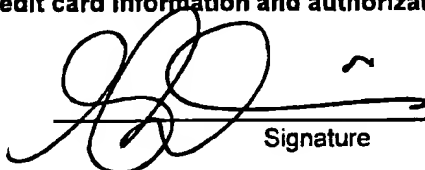
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

September 24, 2003

Date



Signature

Telephone

Number: (610)270-4478Edward R. Gimmi

Typed or printed name

709 Swedeland Road, Mailcode UW2220

Address

King of Prussia, PA 19406

Address

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other: Notice of Appeal

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

9/24/03

Date



Signature

Deborah L. Pishock

Type or printed name of person signing certificate

16

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below to
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Deborah L. Pishock

Type Name of Person Signing Certificate

Deborah L. Pishock9/24/03

Signature

Date

Attorney Docket No. B45139

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Friede, *et al.*

24 September 2003

Serial No.: 09/647,518

Group Art Unit No.: 1641

Filed: 30 November 2000

Examiner: Mary Ceperley

For: Adjuvant Compositions

Mail Stop Petitions
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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PETITIONS OFFICE

PETITION FOR REVIVAL UNDER 37 C.F.R. §1.137(b)

The above-identified application became abandoned for failure to file a timely and proper Notice of Appeal in response to the final rejection dated 11 February 2003.

I hereby state:

- (i) I am the attorney currently responsible for United States Patent Application No.: 09/647,518, for which a final rejection dated 11 February 2003 was received.
- (ii) In response to the above referenced final rejection, it was my intention to file a Notice of Appeal together with the Request for Three Month Extension and Amendment and Response under 37 C.R.F. §1.116, which was filed on 11 August 2003.

10/01/2003 SKELLEY 00000831 192570 09647518
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Application No: 09/647,518
Group Art Unit: 1641

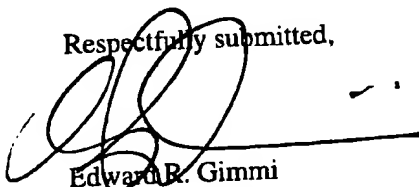
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(iii) The entire delay in filing the aforementioned Notice of Appeal from the due date for the reply until the filing of this grantable petition pursuant to 37 C.F.F. §1.137(b) was unintentional. It was not my intention to abandon United States Patent Application No.: 09/647,518.

(iv) Applicants petition that United States Patent Application No.: 09/647,518 be revived in order to include a Notice of Appeal and appeal fee. Applicants file herewith a Notice of Appeal and authorization to charge any required fees to Deposit Account No. 19-2570.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent which is verified statement in directed.

Respectfully submitted,



Edward R. Gimmi
Attorney for Applicants
Registration No. 38,891

GlaxoSmithKline
Corporate Intellectual Property - UW2220
P.O. Box 1539
King of Prussia, PA 19406-0939
Phone (610) 270-4478
Facsimile (610) 270-5090
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